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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/611,777 | 06/30/2003 | Michael S. Cooper | P97274-4 | 5701 |
| 28548 | 7590 | 11/01/2005 | EXAMINER | |
| STONEMAN LAW OFFICES, LTD 3113 NORTH 3RD STREET PHOENIX, AZ 85012 | | | LEE, KEVIN L | |
| | | ART UNIT | | PAPER NUMBER |
| | | 3753 | | |

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/611,777 | COOPER, MICHAEL S. |
| | Examiner | Art Unit |
| | KEVIN L. LEE | 3753 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 August 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-48 is/are pending in the application.
 4a) Of the above claim(s) 28-48 is/are withdrawn from consideration.
 5) Claim(s) 1-9 is/are allowed.
 6) Claim(s) 10-12, 15-21, 23, 26 and 27 is/are rejected.
 7) Claim(s) 13, 14, 22, 24 and 25 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of the Group I invention in the reply filed on August 9, 2005 is acknowledged. The traversal is on the ground(s) that the claims in each of the groups "clearly comprise similar elements" and thus search of the entire set of claims would not cause a serious burden to the examiner. This is not found persuasive because the Groups I-IV inventions recite disparate elements. The Group I invention recites a protective enclosure for a riser of a sprinkler system. The Group II invention recites a riser for a sprinkler system, there being no recitation of the protective enclosure. The Group III invention recites a flow switch system of monitoring water flow. The Group IV invention recites a unitary system including at least one backflow valve. The only similar component to the Group I-IV inventions is the intended use of the elements with a sprinkler system.

The requirement is still deemed proper and is therefore made FINAL.

Claims 28-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 9, 2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation of "said indicia means" in line 2 of the claim lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-12, 16-21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beukema et al (U.S. Patent No. 5,720,351) in view of Bayat (U.S. Patent No. 4,708,162). The patent to Beukema et al discloses a fire protection system including a sprinklers (12) and a riser (40). The riser (40) lacks having an enclosure structured and arranged about the riser to protect the riser. The patent to Bayat teaches providing an enclosure (11) to enclose and protect a riser for a sprinkler system, see col. 1, lines 36-68. In view of the teaching of Bayat, it would have been obvious to one

of ordinary skill in the art at the time of the invention to modify the system of Beukema et al to include an enclosure to enclose and protect the riser and other valves or piping.

Claims 10-12, 15-21, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beukema et al (U.S. Patent No. 5,720,351) in view of Dumser et al (U.S. Patent No. 5,381,902). The patent to Beukema et al discloses a fire protection system including a sprinklers (12) and a riser (40). The riser (40) lacks having an enclosure structured and arranged about the riser to protect the riser. The patent to Dumser et al teaches providing an enclosure (20) to enclose and protect a riser for a plumbing assembly, see col. 3, lines 33-63. In view of the teaching of Dumser et al, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Beukema et al to include an enclosure to enclose and protect the riser and other valves or piping.

Allowable Subject Matter

Claims 1-9 are allowed.

Claims 13, 14, 22, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Miller (U.S. Patent No. 5,875,812) is cited for the additional showing of an enclosure for a plumbing assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L. LEE whose telephone number is (571) 272-4915. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE MANCENE can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OCTOBER 28, 2005


Kevin Lee
Primary Examiner